

1 STEVEN G.KALAR
2 Federal Public Defender
2 JOYCE LEAVITT
3 Assistant Federal Public Defender
3 555 12th Street, Suite 650
4 Oakland, CA 94607-3627
4 (510) 637-3500

5 Counsel for Defendant YANG

6

7

IN THE UNITED STATES DISTRICT COURT

8

9

FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,)
11 Plaintiff,) No. CR 12-00651 YGR
12) ORDER GRANTING STIPULATION
13 v.) REFERRING MATTER FOR
14 JESSE YANG,) VOLUNTARY SETTLEMENT
15 Defendant.) CONFERENCE & CONTINUING
16) CHANGE OF PLEA OR TRIAL
17) SETTING DATE; EXCLUSION OF
18) TIME;
19)
20)
21)
22)
23)
24)
25)
26)

STIPULATION

18 Pursuant to Local Criminal Rule 11-1(a), the parties jointly request that the Court refer this
19 case to the Honorable Laurel Beeler for a voluntary settlement conference to be held on May 1,
20 2013, at 9:30 a.m. Local Criminal Rule 11-1(a) provides that at any time prior to a final pretrial
21 conference, the "attorney for the government and the attorney for a defendant, acting jointly, may
22 request that the assigned Judge refer the case to another Judge or magistrate Judge to conduct a
23 settlement conference." The parties are diligently working on the settlement of this matter and
24 believe it would be an efficient use of judicial resources for this Court to refer this case to Magistrate
25
26

1 Judge Beeler to facilitate the final stages of the parties' plea negotiations.

2 It is further stipulated that the change of plea or trial setting date in this case, currently
3 scheduled for Thursday, April 4, 2013, at 2:00 p.m. before Honorable Yvonne Gonzalez Rogers,
4 may be continued to Thursday, May 16, 2013, at 2:00 p.m. for change of plea or trial setting. The
5 additional time will allow defense counsel to continue reviewing the discovery with Mr. Yang, and
6 also allow both parties adequate time to prepare for the settlement conference and continue
7 investigating and discussing a resolution prior to the next court date which will be for change of plea
8 or trial setting.

9
10 The parties stipulate that the time from April 4, 2013, to May 16, 2013, should be excluded in
11 accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(b), (h)(7)(A) and (B)(iv)
12 for adequate preparation of counsel so that defense counsel can continue reviewing the discovery
13 with Mr. Yang, and both parties can prepare for the settlement conference and continue investigating
14 and discussing a resolution prior to the change of plea or trial setting hearing date.
15
16

17 DATED: 3/29/13

18 _____ /s/
19 JOYCE LEAVITT
20 Assistant Federal Public Defender

21 DATED: 3/29/13

22 _____ /s/
23 RODNEY VILLAZOR
24 Assistant United States Attorney

25 .
26 //
27 //

ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that, pursuant to Local Criminal Rule 11-1(a), the case is referred for a settlement conference before Honorable Magistrate Laurel Beeler on **May 1, 2013**, at 9:30 a.m. or on such time and date as Magistrate Judge Beeler may designate.

IT IS FURTHER ORDERED that the change of plea or trial setting date for Jesse Yang, currently scheduled for Thursday, April 4, 2013, at 2:00 p.m. before Honorable Yvonne Gonzalez Rogers, is hereby continued to Thursday, **May 16, at 2:00 p.m.** for change of plea or trial setting.

IT IS FURTHER ORDERED that the time from **April 4, 2013, to May 16, 2013**, is excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(b), (h)(7)(A) and (B)(iv) for adequate preparation of counsel to allow defense counsel to continue reviewing the discovery with Mr. Yang, and also allow both parties adequate time to prepare for the settlement conference and continue investigating and discussing a resolution prior to the change of plea or trial setting date. The Court finds that there is good cause and that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial and the failure to grant the requested continuance would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account due diligence.

SO ORDERED.

DATED:April 2, 2013

Yvonne Gonzalez Rogers
HON. YVONNE GONZALEZ ROGERS
United States District Judge